REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Request for Continued Examination

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the April 27, 2009 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

2. Summary of Interview Substance

The undersigned wishes to express his appreciation to Examiner Haider for her time and courtesies during the personal interview of July 23, 2009. It is believed that the discussion during the interview materially advanced prosecution of the subject application.

The substance of such interview is fully and accurately noted in the Examiner's Interview Summary. Therefore, further comment on the same appears unnecessary.

3. Discussion of Amendments

A. Specification and Abstract

A Substitute Specification is being submitted under 35 USC §1.125 and includes therein changes to terminology therein, i.e., changing reference to "blow-moulded process" to "blown-film processing". A marked-up version of the original specification showing changes made thereto is also being submitted concurrently herewith as required by 37 CFR § 1.125(c).

The Substitute Specification submitted herewith includes no new matter within the purview of 35 USC §132(a) as the original specification unquestionably disclosed blown-film processing in the Examples on page 6, line 8 thereof.

Appropriate changes have also been made to the Abstract consistent with the amendments made in the Substitute Specification

B. Claims

The claims have been revised so as to be commensurate with the terminology employed in the Substitute Specification.

Claims 26-29 are new and are based on the disclosure appearing on page 3, line 30 bridging page 4, line 4 and the Examples appearing on pages 6-7.

Thus, following entry of this amendment claims 1, 5 and 8-29 will remain pending herein for consideration.

4. Response to Rejections

Claims 1, 5 and 8-25 remain rejected under 35 USC §103(a) as allegedly unpatentable over Bayer in view of Johnson et al. Applicants suggest that the presently claimed invention is patentably *un*obvious from such references.

At the outset, the Examiner's attention is directed to the Supplemental Declaration under Rule 132 submitted by the inventors which clarifies the terminology to describe the processing techniques of the present invention and the multilayer film formed thereby. Such clarifications along with the amendments made to the specification by way of the Substitute Specification presented herewith present the claimed invention in a light that underscores the *un*obviousness of the same.

In this regard, as was originally described in the specification, one problem attendant with blown-film processing techniques is that when attempts were previously made to form multilayer films having layers of polyamide and polyefin, the throughput of the blown-film system must be maintained within very narrow limits rendering the process difficult to control. This difficulty further manifests itself in terms of relatively low production rate and blow-up ratios of the bubble. In order to address this problem, the art has added a layer of low density polyethylene (LDPE) as a means to promote bubble stability but such an additional layer technically complicates the process and is more costly.

Surprisingly, the present applicants have discovered that higher throughputs with good bubble stability can be achieved for blown-film processing if a branched polyamide is employed instead of a linear polyamide. In particularly preferred embodiments, the multilayer film will be formed of outer layers which consist essentially of linear low density polyethylene (LLDPE) (i.e., contain at most 10 wt.% of a polyethylene other than LLDPE) and an intermediate layer which consists of a branched polyamide.

The Declaraiton evidence of record is quite instructive as to the *un*obviousness fo the present invention. In this regard, he process against which the present invention should be compared is therefore one which produces a film in which a non-branched polyamide is used with an LLDPE layer, as is exemplified in Comparative Experiment C on page 6 of the present application. As the Examiner will observe, no stable bubble could be obtained. This means therefore that the example according to the present invention (with a blow-up ratio of 2.5) should be compared to the situation where no stable bubble could be obtained.

As noted previously, one known solution to the problem to obtain a stable bubble of a film having a non-branched polyamide and an LLDPE layer is to add LDPE. This known proposal in the art is exemplified in Comparative Example A on page 6 of the

present application in which a PE layer consisting of 60 wt.% LLDPE, 30wt% LDPE and 10wt.% YPAREX™ 0H040 (an MZA-modified LLDPE) together with a non-branched polyamide was employed. As noted, the blow-up ratio was only 2.1.

The present invention of course is a completely novel and unobvious solution to lack of bubble stability of a polyamide and an LLDPE layer as compared to that known in the art. In this regard, the process of the present invention results in a higher blow-up ratio of 2.5. Such an increase in blow-up ratio is in fact technically significant.

Turning attention to the applied references of record, applicants note that Bayer et al relates to a method of producing branched polyamides – nothing more. Applicants do not dispute that branched polyamides are per se known generally. However, applicants emphatically dispute that the art was cognizant to employ branched polyamides in a process as is defined by the present applicants' claims. Simply stated, nowhere in Bayer et al is there any hint or suggestion of a process for production of ***multilayer films*** *generally*, let alone that by employing ***branched polyamide*** as one layer in such multilayer films leads to higher blow-up ratios and greater bubble stability when subjected to blown-film processing techniques.

Johnston on the other hand relates to laminate films generally for flexible containers. In Johnston there is no mention made at all of branched polyamide, let alone that use of such branched polyamide in the manner claimed would lead to a higher blow-up ratio and/or greater bubble stability in blow-film processing.

It would therefore most certainly not have been obvious for person skilled in this art to use a branched polyamide when it was desired to produce a multilayer blown film with an LLDPE layer and a polyamide layer since nowhere in Bayer et al and/or Johnston is there any hint that such a technical advance could be achieved. There also would be no expectation of success by a person skilled in the art as branched polyamides are not a polymer that the art recognized could be employed to achieve

greater blow-up ratios (it being remembered that the known art approach would be to add LDPE).

In view of the above, therefore, withdrawal of the rejection advanced under 35 USC §103(a) based on Bayer et and Johnston is in order.

An early and favorable reply on the merits is awaited.

5. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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